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INFO RUEAWJA/DEPT OF JUSTICE WASHDC PRIORITY

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STATE FOR NEA/I, L
JUSTICE FOR JOHN EULER

E.O. 12958: N/A

TAGS: PGOV PREL IZ

SUBJECT: UPDATE ON GOI MINISTERIAL COMMITTEE ON RULE OF LAW
AND DETENTION

SUMMARY

¶1. (U) Summary. Since its formal commissioning in mid-2007, the Ministerial Committee on Rule of Law and Detention (MCRLD) has made significant progress in the practical application of its operation. MCRLD has ensured all relevant ministries are adequately represented, meaningful issues are identified and placed on the agenda, and it has developed a deliberative process for addressing problems associated with detainee processing. In 2008, the leadership and the membership of the committee need to continue taking steps to ensure the committee becomes a genuine mechanism for accomplishing the goals set forth in Prime Ministerial Order 207 on detention operations. End Summary.

HISTORICAL DEVELOPMENT

¶2. (U) In 2006, the Mission (Rule of Law Office) and MNF-I (Task Force 134) proposed the concept of an inter-ministerial committee to address detention operations. The leaders of the Higher Juridical Council and the Ministries of Interior and Justice responded in a positive fashion to the concept. In 2007, the President of the Higher Juridical Council commissioned a previous committee to have the responsibility for identifying and addressing critical court related challenges in the management of Iraqi detainee populations. However, the previous group did not adequately represent the necessary ministries, nor did the members (with some exceptions) have sufficient authority to effect real change.

¶3. (U) In mid-2007, the Prime Minister issued an order officially directing that this inter-ministerial committee be reorganized and re-commissioned to respond with practical proposals to remedy the numerous issues associated with the increasing size of the detainee population. After a series of high-level discussions held in August 2007 between the Deputy Prime Minister, the National Security Advisor, and the President of the Higher Juridical Council, the Prime Minister issued Order No. 207 in September 2007. (Comment: The text of the order is both motivational and directive. It is motivational in that it articulates broad goals to which the Government of Iraq should aspire in its management of the detainee population. It is directive in that it commissions particular ministries to engage in specific acts to meet clearly identified needs and interests with respect to detention operations. End comment.)

PRESENT ACTIVITY

¶4. (U). The MCRLD membership now includes relatively senior-level representatives of the Ministries of Defense, Interior, Health, Human Rights, Justice, and Labor & Social Affairs, as well as officials from the Office of the Deputy Prime Minister, the Office of the National Security Advisor, and the Higher Juridical Council. Chief Prosecutor Ghandanfer al-Jasem of the Higher Juridical Council serves as the chairman. It also includes representatives of both the Mission and MNF-I who regularly attend the bi-weekly meetings.

¶5. (U). The principal detainee-related topics addressed by MCRLD include: medical issues; juvenile issues; women's issues; investigative issues; judicial issues; human rights issues; and corrections issues.

CURRENT CHALLENGES

¶6. (U). Despite the progress made in the evolution of this committee, MCRLD has not yet pursued some of the key policy-related and strategic problems identified in Prime Ministerial Order No. 207. With that in mind, the Rule of Law Coordinator sent Chairman Ghandanfar al-Jasem a letter re-identifying the principles in Prime Ministerial Order No. 207 and recommended that they form the basis for committee attention and activity in the first quarter of 2008.
(Comment: As a procedural matter, we continue to encourage the Chair to make routine, substantive reports on its progress and on the challenges to the Ministerial Committee on National Security. Furthermore, a year-end summary of accomplishments to the MCRLD leadership group (i.e. the Deputy Prime Minister, the National Security Advisor, and the President of the Higher Juridical Council) should be

considered. End comment.)

COMMENT

¶7. (U). The MCRLD appears to have overcome its initial organizational and administrative challenges. It has the potential to become a meaningful forum for resolution of detention-related issues. However, it must begin to address the critical, policy-related challenges codified in Prime Ministerial Order No. 207. The Mission and MNF-I will continue to encourage the committee members to fashion the agendas to ensure the committee addresses those pivotal issues in 2008.

CROCKER